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By ECF

Hon. Lorna G. Schofield
United States District Court
500 Pearl St.
New York, New York 10007

**Re: 10012 Holdings, Inc. d/b/a Guy Hepner v. Hartford Fire Ins. Co. et al.,
20 Civ. 4471 (S.D.N.Y.) —Letter Concerning Additional Cases**

Dear Judge Schofield:

We represent the defendant Sentinel Insurance Company Ltd. (“Defendant”) in the above captioned matter. We write to respectfully inform the Court that since the filing of Defendant’s motion to dismiss briefing (ECF 20; ECF 24), there have been two additional decisions from federal courts concluding that business interruption from Covid-19, and associated governmental responses, does not satisfy the “direct physical loss” requirement in property insurance policies.

First, in *Mark’s Engine Company No. 28 Restaurant, LLC v. The Travelers Indemnity Company of Connecticut, et al.*, No. 2:20-cv-04423-AB-SK, 2020 WL 5938689 (C.D. Cal. Oct 2, 2020), a court in the Central District of California analyzed a COVID-19 business interruption claim from a restaurant, and concluded that “Plaintiff only plausibly alleges that in-person dining restrictions interfered with the use or value of its property—not that the restrictions caused direct physical loss or damage.” *Id.* at *4.

Second, in *Henry’s Louisiana Grill, Inc., et al., v. Allied Insurance Company of Am.*, 2020 WL 5938755 (N.D. Ga. Oct. 6 2020), a court in the Northern District of Georgia analyzed a restaurant’s COVID-19 business interruption claim and concluded that a civil authority order “merely recognized an existing threat. It did not represent an external event that changed the insured property. Every physical element of the dining rooms—the floors, the ceilings, the plumbing, the HVAC, the tables, the chairs—underwent no physical change as a result of the Order.” *Id.* at *5.

Respectfully,

/s/ Charles Michael

Charles Michael

cc: All Counsel of Record (via ECF)